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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/814,309	03/30/2004	Ehud Mendelson	REL-8149 D2	5159
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LERNER GREENBERG STEMER LLP			LOUIS JACQUES, JACQUES H	
P O BOX 2480			ART UNIT	PAPER NUMBER
HOLLYWOOD, FL 33022-2480			3661	

DATE MAILED: 01/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/814,309	MENDELSON ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Jacques H. Louis-Jacques	3661	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 05 December 2005.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-18 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-18 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____.                                   |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on December 5, 2005 has been entered.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Monroe [6,545,601].

Monroe '601 discloses a ground based security surveillance system for aircraft and other commercial vehicles, i.e., a method and system for transmitting and recording data from an aircraft and alerting with a wireless. According to Monroe, there is provided capturing and generating data of an event or condition of the aircraft in real time (abstract); transmitting data to a ground control facility in real time (abstract, column 4, lines 13-46 and column 6, lines 4-20) and transmitting control data from the ground control

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facility to the aircraft during in-flight operation (column 7, lines 11-36). See also figures 2a, 2b, 3a, 3b, 4a and 4b, and particular columns 2-3. The control data sent from the ground facility, according to Monroe, is not only to gaining control of the cameras, but can also control other aircraft systems (column 7). Monroe teaches transmitting control data from the ground facility... during in-flight operation. Additionally, Monroe discloses 'means enabling an operator at said ground-based computer to receive information substantially identical' to the information received by the operator of the transport and an 'active simulation' of the in-flight operation at the ground station. Monroe discloses control aircrafts systems from the ground. According to Monroe both the pilot onboard of the aircraft and the operator at the ground facility perceive the same information. Monroe notes, in column 1, lines 48-57, that onboard avionics systems are capable of "giving both the on board crew and the ground assets more complete, accurate and up to date information regarding the condition of the aircraft while in flight." See also column 2, lines 29-50 and column 6. The aircraft crew and the ground personnel have access to the same information. Monroe also discloses determining a normal threshold for the data; and generating an alert signal if the data is beyond the threshold with a ground based computer terminal in real time (column 8). Furthermore, Monroe discloses that the ground controls facility is connected in a wireless network environment (figures 4a, 4b, 12a-12c and columns 2-3). According to Monroe, there is provided alerting ground staff if the normal threshold for the data is violated (column 8). In addition, there is provided, according to Monroe, monitoring the data by ground staff in real time; and analyzing the data for an occurrence of any abnormal event or condition (columns 2-5). Monroe

describes a plurality of methods from capturing the data including video data, audio data and fight data (figure 13 and column 2). Monroe further discloses utilizing the data to prevent disasters (i.e., sabotage, terrorism). See columns 2, 4. Monroe further discloses providing an early warning alert when a change in normal flight parameters occurs; transmitting flight data and flight voice recorder data, the flight voice recorder data being transmitted only when the normal flight parameters are outside an given range; and analyzing on-line, the flight data and the flight voice recorder data, crises or flight operational quality for assurance (columns 6-8, 17 and figure 6). Monroe also discloses transmitting instructions to a vehicle auto-control system for allowing remote operation of the vehicle (columns 6-7). In column 1, for example, Monroe discloses transmitting at least one of data and voice recorder information from a vehicle selected from the group consisting of aircraft, trains, buses, ships, trucks and military aircraft. Furthermore, Monroe discloses, in columns 6-7, transmitting the data from an aircraft flight data recorder to at least one of said ground based computer, an airline, and federal personal of a government agency on-line and live, the data being analyzed even while the aircraft still in flight. Also, Monroe discloses backing up the data generated by an on-board aircraft transponder by providing each aircraft with an unique Internet protocol address that together with the data collected on-line from the black-boxes will serve as a backup ID for the data generated by the transponder (columns 5-6) and providing the vehicle with voice over Internet Protocol for allowing air to ground communication telephony and Internet communication (column 5). Moreover, Monroe discloses backing up existing communication with the vehicle, the vehicle functioning as a node of an Internet Protocol

network providing an individual ID, location, voice data and the data for early warning analysis and operational quality assurance analysis (columns 5-6). Monroe also discloses determining a normal threshold for the data, generating an alert signal if the data is beyond the threshold with a ground based computer terminal in real time, and animating a control instrument panel in response to the alert signal. See columns 4, 7 and 8.

4. Claims 1-9 are rejected under 35 U.S.C. 102(e) as being anticipated by Gage et al [6,549,162].

Gage et al discloses a method and apparatus for transmitting real time data from aircraft to ground stations using a data protocol over a satellite system. Gage et al discloses capturing and generating data of an event or condition of the aircraft in real time during in-flight operation from existing aircraft systems normally recorded in aircraft black boxes (e.g., columns 1 and 2), transmitting the data to a ground control facility in real time during in-flight operation as the event or condition occurs on the aircraft, i.e., live (column 1, lines 54-67 and column 2, lines 4-11) and transmitting control data from the ground control facility to the aircraft during in-flight operation (column 2, lines 20-21).

See also figures 1 and 2, column 3. Gage et al also discloses storing the data (using a storage device such as 309). Gage et al further discloses determining a normal threshold for the data and generating an alert if the data is beyond the threshold with a ground based computer terminal in real time. The ground controls facility, according to Gage et al, is connected in a wireless network environment (column 3, lines 26-30 and column 4,

lines 33-46). See column 2, lines 12-14; column 5, lines 9-21, 41-44; and column 6, lines 12-18.

5. Claims 1-13, 17-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Hanson [US 2003/0052798].

Hanson discloses an airplane anti-hijack system that transmits and records data from an aircraft and alerts with a wireless network (14). Hanson discloses capturing and generating data of an event or condition of the aircraft in real time during in-flight operation from existing aircraft systems normally recorded in aircraft black boxes (abstract, figure 2), transmitting the data to a ground control facility in real time during in-flight operation as the event or condition occurs on the aircraft, i.e., live (abstract, paragraph [0014]) and transmitting control data from the ground control facility to the aircraft during in-flight operation (paragraphs [0008], [0017]). Hanson also discloses storing the data ([0005], 22). Hanson further discloses determining a normal threshold for the data and generating an alert if the data is beyond the threshold with a ground based computer terminal in real time ([0015], [0016]). The ground controls facility, according to Hanson, is connected in a wireless network environment ([0013]). Hanson discloses capturing and generating video data, audio data and flight data (figure 2, [0014]) and utilizing the data to prevent disasters ([0007], [0015]). Additionally, Hanson discloses means for enabling an operator at the ground-based computer to receive visual information substantially identical to visual information concurrently perceived by an operator of the given vehicle triggering the alert signal, for simulating the operation of

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the given vehicle by the ground based computer (abstract, [0008], [0017]. According to Hanson, instructions are transmitted to a vehicle auto-control system for allowing remote operation of the vehicle ([0017], [0018]). The vehicle, according to Hanson, can be at least a commercial aircraft ([0005]). The data, according to Hanson, is transmitted from an aircraft flight data recorder to at least one ground based computer and that the data is being analyzed even while the aircraft is still in flight ([0006], [0007]).

6. Claims 1-13, 17-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Gardner [US 2002/0029099].

Gardner discloses a supervisory control system for aircraft flight management during pilot command errors or equipment malfunction. The control system transmits and records data from an aircraft and alerts with a wireless network (e.g., 52). Gardner discloses capturing and generating data of an event or condition of the aircraft in real time during in-flight operation from existing aircraft systems normally recorded in aircraft black boxes ([0024]), transmitting the data to a ground control facility in real time during in-flight operation as the event or condition occurs on the aircraft, i.e., live ([0014]) and transmitting control data from the ground control facility to the aircraft during in-flight operation ([0028], [0031]). Gardner also discloses determining a normal threshold for the data and generating an alert if the data is beyond the threshold with a ground based computer terminal in real time ([0028]). The ground controls facility, according to Gardner, is connected in a wireless network environment ([0028]). Gardner discloses capturing and generating video data, audio data and flight data ([0025]) and

utilizing the data to prevent disasters ([0027]). Additionally, Gardner discloses means for enabling an operator at the ground-based computer to receive visual information substantially identical to visual information concurrently perceived by an operator of the given vehicle triggering the alert signal, for simulating the operation of the given vehicle by the ground based computer ([0028], [0031]). According to Gardner, instructions are transmitted to a vehicle auto-control system for allowing remote operation of the vehicle ([0031]). The vehicle, according to Gardner, can be at least a commercial aircraft ([0023]). The data, according to Gardner, is transmitted from an aircraft flight data recorder to at least one ground based computer and that the data is being analyzed even while the aircraft is still in flight ([0023], [0028]).

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hanson [US 2003/0052798] in view of Gage et al [6,549,162].

Hanson discloses the limitations as set forth above. However, Hanson does not particularly teach the Internet protocol network. Gage et al discloses means for backing up the data generated by an on-board aircraft transponder by providing each aircraft with an unique Internet protocol address that together with the data collected on-line from the

black-boxes will serve as a backup ID for the data generated by the transponder, means for providing the vehicle with voice over Internet Protocol for allowing air to ground communication telephony and Internet communication, means for backing up existing communication with the vehicle, the vehicle functioning as a node of an Internet Protocol network providing an individual ID, location, voice data and the data for early warning analysis and operational quality assurance analysis. See column 2, lines 60-63, column 3, lines 7-17, column 4, and figure 4. Gage et al also discloses determining a normal threshold for the data; generating an alert signal threshold with a ground based and if the data is beyond the computer terminal real time; and animating a control instrument panel in response to the alert signal. See column 2, lines 12-14, column 5, lines 9-21, 41-44; and column 6, lines 12-13. Thus, it would have been obvious to one skilled in the art at the time of the invention to be motivated to modify the system and method of analyzing aircraft of Hanson by incorporating the features from the system and method of Gage et al because such modification would preclude the need to retrieve aircraft's black boxes and provide the ability to monitor aircraft functions and suggest crew member of actions to be take while the aircraft is in flight, i.e., in real-time.

9. Claims 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gardner [US 2002/0029099] in view of Gage et al [6,549,162].

Gardner discloses the limitations as set forth above. Gage et al discloses means for backing up the data generated by an on-board aircraft transponder by providing each aircraft with an unique Internet protocol address that together with the data collected on-

line from the black-boxes will serve as a backup ID for the data generated by the transponder, means for providing the vehicle with voice over Internet Protocol for allowing air to ground communication telephony and Internet communication, means for backing up existing communication with the vehicle, the vehicle functioning as a node of an Internet Protocol network providing an individual ID, location, voice data and the data for early warning analysis and operational quality assurance analysis. See column 2, lines 60-63, column 3, lines 7-17, column 4, and figure 4. Gage et al also discloses determining a normal threshold for the data, generating an alert signal threshold with a ground based and if the data is beyond the computer terminal real time, animating a control instrument panel in response to the alert signal. See column 2, lines 12-14, column 5, lines 9-21, 41-44; and column 6, lines 12-13. Thus, it would have been obvious to one skilled in the art at the time of the invention to be motivated to modify the system and method of analyzing aircraft of Gardner by incorporating the features from the system and method of Gage et al because such modification would preclude the need to retrieve aircraft's black boxes and provide the ability to monitor aircraft functions and suggest crew member of actions to be take while the aircraft is in flight, i.e., in real-time.

***Response to Amendments & Arguments***

10. The amendments after final along with the arguments filed therewith on October 3, 2005 have been entered and carefully considered by the examiner.

Applicant amended the claims to that the data is captured "during in-flight operation" and "transmitting control data from the ground control facility to the aircraft during in-flight

operation.” Applicant also amended the claims to recite means for enabling an operator at the ground-based computer to receive visual information substantially identical to visual information concurrently perceived by an operator of the given vehicle triggering the alert signal, for simulating the operation of the given vehicle by the ground based computer.” Emphasis added.

Applicant argued “Betters does not teach “transmitting control data from a ground control facility to the aircraft during in-flight operation.” Betters, according to Applicant, “does not teach means that simulate the current operation of the vehicle in real time to that the ground operator is subjected to the same ‘input’ information as the operator of the vehicle.” Emphasis added.

Notwithstanding Applicant’s arguments, the rejection applying the Betters ‘027 patent has been withdrawn.

Applicant recognized that Monroe ‘601 discloses monitoring a vehicle (aircraft) in port or in service and allowing a ground station to monitor the vehicle. According to Applicant, “Monroe’s system allows the ground-based operator to ‘gain control of the steerable camera … via remote control.’” (See response at page 12 of 13). Emphasis added. Applicant pointed out that “Monroe indeed transmits a host of information from the “transport” to the ground station and it is possible to analyze the data ‘even while the aircraft still in flight.’” Applicant argued “the feed from the ground to the transport, however, is limited to gaining control of the camera.” Applicant added “[Monroe] falls considerably short of ‘remote operation of the vehicle.’” Applicant also argued that “Monroe does not teach ‘transmitting control data from the ground facility… during in-

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flight operation.” Applicant added that “Monroe does not provide for a ‘means enabling an operator at said ground-based computer to receive information substantially identical’ to the information received by the operator of the transport.” Applicant contended that “the cameras of the surveillance system ‘see’ information that is quite different from the information perceived by the pilot” and that “Monroe does not provide for an ‘active simulation’ of the in-flight operation at the ground station. Monroe cannot control aircrafts systems from the ground.” The examiner respectfully disagrees at least for the reasons given below.

Monroe discloses a ground based security surveillance system for aircraft and other commercial vehicles. Monroe discloses, in addition to capturing and generating data of an event or condition of the aircraft in real time during in-flight operation from existing aircraft systems normally recorded in aircraft black boxes (e.g., abstract), transmitting the data to a ground control facility in real time during in-flight operation as the event or condition occurs on the aircraft, i.e., live (column 4, lines 13-46 and column 6, lines 4-20) and transmitting control data from the ground control facility to the aircraft during in-flight operation (column 7, lines 11-36). Contrary to Applicant’s assertion, the control data sent from the ground facility is not only to gaining control of the cameras, but can also control other aircraft systems (column 7). Thus, as noted above, Monroe teaches transmitting control data from the ground facility... during in-flight operation. Additionally, Monroe discloses ‘means enabling an operator at said ground-based computer to receive information substantially identical’ to the information received by the operator of the transport and an ‘active simulation’ of the in-flight operation at the

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ground station. Monroe discloses control aircrafts systems from the ground. Contrary to Applicant's characterization of the Monroe's system, the information seen by the ground facility is not different from the information perceived by the pilot. For example, in column 1, lines 48-57, Monroe notes of onboard avionics systems capable of "giving both the on board crew and the ground assets more complete, accurate and up to date information regarding the condition of the aircraft while in flight." See also column 2, lines 29-50 and column 6. The aircraft crew and the ground personnel have access to the same information.

The claims are also rejected based on newly discovered and applied prior art references.

Gage et al [6,549,162] discloses a method and apparatus for transmitting real time data from aircraft to ground stations using a data protocol over a satellite system. Gage et al discloses capturing and generating data of an event or condition of the aircraft in real time during in-flight operation from existing aircraft systems normally recorded in aircraft black boxes (e.g., columns 1 and 2), transmitting the data to a ground control facility in real time during in-flight operation as the event or condition occurs on the aircraft, i.e., live (column 1, lines 54-67 and column 2, lines 4-11) and transmitting control data from the ground control facility to the aircraft during in-flight operation (column 2, lines 20-21). See also figures 1 and 2, column 3. Gage et al also discloses storing the data (using a storage device such as 309). Gage et al further discloses determining a normal threshold for the data and generating an alert if the data is beyond the threshold with a ground based computer terminal in real time. The ground controls

facility, according to Gage et al, is connected in a wireless network environment (column 3, lines 26-30 and column 4, lines 33-46).

Hanson [US 2003/0052798] discloses an airplane anti-hijack system that transmits and records data from an aircraft and alerts with a wireless network (14). Hanson discloses capturing and generating data of an event or condition of the aircraft in real time during in-flight operation from existing aircraft systems normally recorded in aircraft black boxes (abstract, figure 2), transmitting the data to a ground control facility in real time during in-flight operation as the event or condition occurs on the aircraft, i.e., live (abstract, paragraph [0014]) and transmitting control data from the ground control facility to the aircraft during in-flight operation (paragraphs [0008], [0017]). Hanson also discloses storing the data ([0005], 22). Hanson further discloses determining a normal threshold for the data and generating an alert if the data is beyond the threshold with a ground based computer terminal in real time ([0015], [0016]). The ground controls facility, according to Hanson, is connected in a wireless network environment ([0013]). Hanson discloses capturing and generating video data, audio data and flight data (figure 2, [0014]) and utilizing the data to prevent disasters ([0007], [0015]). Additionally, Hanson discloses means for enabling an operator at the ground-based computer to receive visual information substantially identical to visual information concurrently perceived by an operator of the given vehicle triggering the alert signal, for simulating the operation of the given vehicle by the ground based computer (abstract, [0008], [0017]). According to Hanson, instructions are transmitted to a vehicle auto-control system for allowing remote operation of the vehicle ([0017], [0018]). The vehicle, according to Hanson, can be at

least a commercial aircraft ([0005]). The data, according to Hanson, is transmitted from an aircraft flight data recorder to at least one ground based computer and that the data is being analyzed even while the aircraft is still in flight ([0006], [0007]).

Gage et al [6,549,162] discloses means for backing up the data generated by an on-board aircraft transponder by providing each aircraft with an unique Internet protocol address that together with the data collected on-line from the black-boxes will serve as a backup ID for the data generated by the transponder, means for providing the vehicle with voice over Internet Protocol for allowing air to ground communication telephony and Internet communication, and means for backing up existing communication with the vehicle, the vehicle functioning as a node of an Internet Protocol network providing an individual ID, location, voice data and the data for early warning analysis and operational quality assurance analysis. Gage et al also discloses determining a normal threshold for the data; generating an alert signal threshold with a ground based and if the data is beyond the computer terminal real time; and animating a control instrument panel in response to the alert signal. See column 1; column 2, lines 60-63, column 3, lines 7-17, column 4; column 6, lines 23-27, and figure 4.

Gardner [US 2002/0029099] discloses a supervisory control system for aircraft flight management during pilot command errors or equipment malfunction. The control system transmits and records data from an aircraft and alerts with a wireless network (e.g., 52). Gardner discloses capturing and generating data of an event or condition of the aircraft in real time during in-flight operation from existing aircraft systems normally recorded in aircraft black boxes ([0024]), transmitting the data to a ground control facility in real time

during in-flight operation as the event or condition occurs on the aircraft, i.e., live ([0014]) and transmitting control data from the ground control facility to the aircraft during in-flight operation ([0028], [0031]). Gardner also discloses determining a normal threshold for the data and generating an alert if the data is beyond the threshold with a ground based computer terminal in real time ([0028]). The ground controls facility, according to Gardner, is connected in a wireless network environment ([0028]). Gardner discloses capturing and generating video data, audio data and flight data ([0025]) and utilizing the data to prevent disasters ([0027]). Additionally, Gardner discloses means for enabling an operator at the ground-based computer to receive visual information substantially identical to visual information concurrently perceived by an operator of the given vehicle triggering the alert signal, for simulating the operation of the given vehicle by the ground based computer ([0028], [0031]). According to Gardner, instructions are transmitted to a vehicle auto-control system for allowing remote operation of the vehicle ([0031]). The vehicle, according to Gardner, can be at least a commercial aircraft ([0023]). The data, according to Gardner, is transmitted from an aircraft flight data recorder to at least one ground based computer and that the data is being analyzed even while the aircraft is still in flight ([0023], [0028]).

### *Conclusion*

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

5,308,022	Cronkhite et al	May 1994
5,904,724	Margolin	May 1999

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6,160,497	Clark	Dec. 2000
6,366,311	Monroe	Apr. 2002
6,775,545	Wright et al	Aug. 2004
6,831,680	Kumler	Dec. 2004

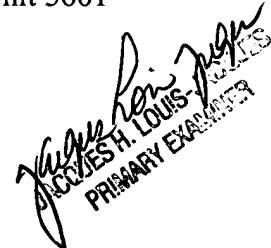
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jacques H. Louis-Jacques whose telephone number is 571-272-6962. The examiner can normally be reached on M-Th 5:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black can be reached on 571-272-6956. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jacques H Louis-Jacques  
Primary Examiner  
Art Unit 3661

/jlj



JACQUES H. LOUIS-JACQUES  
PRIMARY EXAMINER